

From: Cox, John

Sent: Tuesday, September 18, 2018 04:18 PM

To: Bermes, Peter; Mia, Marcia

CC: Creech, Christopher

Subject: RE: Request to Limit Scope of FOIA 2018-003357

Attachments: RE: FOIA request for records related to reporting required by 40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Hi Peter,

Attached is the last email thread that I have from Mr. Lucas. In it, they did not agree to exclude reports submitted to EPA pursuant to 60.5422a, subparagraphs (a), (b), and (c) from the scope of their request.

However, they did exclude from the scope of their original request, reports submitted to EPA pursuant to 60.5423a(b). The same is true from reports submitted pursuant to 60.5420a, subparagraphs (a)(1), (a)(2), and (b)(10).

Not sure if this is exactly what you're looking for or not - let me know if it isn't and I'll continue searching for it.

Thanks!

John

John Cox

Office of Compliance/Air Branch

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

202-564-1395

From: Bermes, Peter

Sent: Tuesday, September 18, 2018 11:47 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Cox, John <cox.john@epa.gov>

Cc: Creech, Christopher <Creech.Christopher@epa.gov>

Subject: RE: Request to Limit Scope of FOIA 2018-003357

Hi Marcia and John,

Ex. 5 Attorney Client (AC)

Peter

From: Mia, Marcia

Sent: Tuesday, March 20, 2018 3:13 PM

To: Bermes, Peter <Bermes.Peter@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>

Subject: FW: Request to Limit Scope of FOIA 2018-003357

Limit of scope.

Marcia B Mia, Acting Chief

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Robert Routh [mailto:rrouth@cleanair.org]

Sent: Monday, January 29, 2018 10:48 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>; Cox, John <cox.john@epa.gov>

Subject: Re: Request to Limit Scope of FOIA 2018-003357

Ms. Mia,

Thank you for your message. Clean Air Council does not object to the proposed limitations to the scope of our FOIA request, as outlined in your previous email.

Best,

Robert

Robert M. Routh, Esq.

Staff Attorney*

Clean Air Council

135 South 19th Street, Suite 300

Philadelphia, PA 19103

P: (215) 567-4004 ext. 132

F: (215) 567-5791

*Licensed to practice in New York

On Tue, Jan 23, 2018 at 3:43 PM, Mia, Marcia <Mia.Marcia@epa.gov> wrote:

Dear Mr. Routh,

I am in receipt of your Freedom of Information Request (FOIA) for "all records related to reporting by 40 CFR part 60, subpart 0000a" dated 1/3/2018. The FOIA office is reviewing your request for a Fee Waiver and for Expedited Processing. In the meantime, I would like to reach agreement on certain limitations to the scope of your request, as described below.

As background, we have received a similar request (FOIA 2018-001886) for the same records. In order to provide a timely response to your FOIA, we respectfully request to apply the same limits to the scope of your FOIA that the requestor for FOIA 2018-001886 has agreed. This will allow us to use the same search criteria and responsive records, which we have already initiated under that FOIA.

The general limits are as follows:

1. EPA would like an extension of the due date until March 30, 2018. The records have the potential to be voluminous and are located among many offices and the regions. Additionally, some of the material is or may be claimed Confidential Business Information (CBI) and we need to work through that claim with the claimants.
2. EPA is able to provide records on a rolling response, beginning with the records responsive to Item 1 which were submitted electronically to CEDRI. We will continue to provide responsive records as they are available from the responsive region or office.
3. EPA would like to limit the scope of the request for all records between August

16, 2016 and November 21, 2017.

The specific limits are as follows:

Item 1:

Limit responsive records to Regions 3-10 and those which are available electronically on CEDRI. The reports in Item 1 are submitted to the regions and/or via CEDRI. OECA does not have records responsive to this request.

Exclude reports submitted to EPA pursuant to §60.5420a(a)(1)-(a)(2)

Exclude reports of Performance Tests conducted by the manufacturer and reported under §60.5420a(b)(10).

Exclude reports submitted to EPA pursuant to §60.5423a(b).

Item 2:

Limit responsive records to the following Headquarters Offices, with the following exclusions:

- i. OAR - Exclude Office of Transportation and Air Quality (OTAQ) and Office of Radiation and Indoor Air (ORIA)
- ii. Office of Enforcement and Compliance Assurance
- iii. Office of the Administrator

Thank you for your consideration.

Marcia B Mia, Acting Chief

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042